

ORDINANCE NO. 1966, NEW SERIES

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL
AMENDING CHAPTER 15.65 (SUSTAINABLE BUILDING REGULATIONS) OF THE
MORGAN HILL MUNICIPAL CODE TO INCORPORATE REVISIONS MADE BY
THE CALIFORNIA ENERGY COMMISSION**

WHEREAS, the City Council has adopted a Sustainable Building Ordinance No. 1953 on October 7, 2009; and

WHEREAS, enforcement will occur once the California Energy Commission approves of Morgan Hill's Sustainable Building Regulations Ordinance and a copy of the ordinance is sent to the California Building Standards Commission; and

WHEREAS, an application has been submitted to the California Energy Commission on October 12, 2009 to receive approval to enforce the sustainable building regulations; and

WHEREAS, the California Energy Commission is requiring the City to change language in the ordinance to ensure development projects comply with California Title 24 Energy Standards; and

WHEREAS, the California Energy Commission is requiring the City to submit a City Council approved cost effectiveness study that addresses 2008 Title 24 energy standards that will become effective January 1, 2010.

The City Council of the City of Morgan Hill does ORDAIN as follows:

SECTION 1. Findings. The City Council finds that:

- A. The amendments to the Sustainable Building Regulations are required by the California Energy Commission; and
- B. The City is using a cost effectiveness energy study dated October 6, 2009 that was prepared for the City of Palo Alto by Gabel Associates, LLC, an expert in the field of building energy analysis and Energy Code compliance, for local amendments to the 2008 California Energy Code as Palo Alto's cost effectiveness study fully applies to Morgan Hill's Sustainable Building Regulations; and
- C. Palo Alto is located within the same geographic and climate zone (Zone 4) as Morgan Hill and has implemented similar sustainable building standards; and
- D. The City Council reviewed Palo Alto's cost effectiveness energy study by Gabel Associates, dated October 6, 2009, and found that it fully applied to Morgan Hill's sustainable building ordinance and demonstrated the cost effectiveness of these local amendments in Morgan Hill; and

- E. The City will include the Gabel Associates study in an application for consideration by the California Energy Commission in compliance with Public Resources Code 25402.1(h)(2); and
- F. It is the purpose and intent of this Ordinance to amend the Standards as described herein; and
- G. City staff has prepared an amendment to Chapter 15.65 of the Morgan Hill Municipal Code, Sustainable Building Regulations; and
- H. The modifications to the 2008 California Building Energy Efficiency Standards required by this Ordinance are reasonably necessary due to local climatic, geologic and topographic conditions, specifically:
 - a. Summer ambient temperatures in the City during the months of June, July and August can reach over 100 degrees, creating peak energy load demands that can cause power outages, affecting public safety and causing adverse local economic impacts.
 - b. The total square footage of conditioned habitable space within residential and nonresidential buildings in the City is increasing and using more energy and resources than in the past.
 - c. The burning of fossil fuels used in the generation of electric power and heating of buildings contributes to climate change, which could result increased temperatures in the City, that could put Morgan Hill homes and businesses at risk for increased water shortages, wildfires and other public health and safety hazards.
 - d. Reduction of total and peak energy use as a result of incremental energy efficiency measures required by this Ordinance will have local and regional benefits in the cost-effective reduction of energy costs for building owners, additional available system energy capacity, and a reduction in greenhouse gas emissions; and
- I. The study conducted by Gabel Associates, LLC has concluded that the energy efficiency standards contained in this Ordinance are cost-effective. The City Council hereby adopts as the basis of its findings the conclusions of the study and authorizes the filing the ordinance with the California Energy commission in compliance with Public Resources Code 25402.1(h) (2). This Ordinance shall be enforceable subject to the requirements set forth in such state code; and
- J. Nothing in this ordinance is intended to duplicate, contradict, or infringe upon provisions of state law, including the California Building Standards Code. The ordinance and the associated checklist provide many opportunities to achieve required points and credits that do not impact areas where state law has established building standards; and

SECTION 2. Amendment. Chapter 15.65 of Title 15, “Sustainable Building Regulations” of the Morgan Hill Municipal Code is hereby amended to read and provide as follows:

15.65.30 Minimum Standard for Compliance

All projects subject to this chapter shall be constructed using the current guidelines, sustainable building rating systems and sustainable project checklist outlined in Tables 1, 2 and 3 below upon applying for a building permit, unless another version of the checklist was previously approved by a planning entitlement (excluding checklist used at the time of Residential Development Control System allotment commitments.) Failure to comply with any of the terms of this Chapter shall subject the applicant of the applicable project to a full range of enforcement mechanisms set forth in Compliance Section 15.65.050 of this Chapter.

All projects must, at minimum, demonstrate compliance with the California Building Energy Efficiency Standards (Title 24, part 6) of the California Building Code.

Compliance with the provisions of this chapter shall be listed as a condition of approval on any design review approval issued by the City for a project to require the project to meet the Minimum Standards for Compliance thresholds identified in this Section.

- A. New Residential Construction and Renovation: Residential development involving new construction shall use either the most current Build It Green (BIG) or LEED® for Homes rating system when applying for a building permit unless another version of the checklist was previously approved through a planning entitlement (excluding a checklist that was used at the time of Residential Development Control System allotment commitments) and shall meet the sustainability standard and verification method outlined in Table 1 below. Applicants are encouraged to certify their projects with Build It Green or the U.S. Green Building Council.

If a project consists of an addition and a remodel, the higher minimum standard shall apply. Projects must meet the minimum category points in Energy, Water, Resource and Indoor Air Quality within the BIG checklist or any other required points in the LEED or Build It Green’s checklist. Community points from Build It Green’s checklist are excluded from the minimum sustainability standard.

The Build It Green Multi-family checklist shall only be used when:

1. The attached units share mechanical or electrical features; or
2. Attached units share enclosed common space, such as hallways for condominiums; or
3. There are four (4) or more attached units or single-family dwelling units within the building envelope

Table 1: Sustainable Residential Development Standards

Applicable Project			
Residential, New Construction	Minimum Sustainability Standard		Party Verification
New Single Family or Multi-Family Developments	≤ 2,000 sf per unit	> 2,000 sf per unit	Internal GreenPoint Rated Verification for BIG checklist or Internal LEED® AP Verification for LEED® checklist
	70 BIG points* or LEED® Certified	70 BIG points + 1 point per additional 70 sf (150 point maximum)* If using the LEED® rating system, must obtain LEED® Silver Certification	
Residential, New Construction Additions	Minimum Sustainability Standard	Verification	
Addition < 250 square feet	Not Applicable		
Addition ≥ 250 square feet	25 points on BIG existing homes checklist*	Internal GreenPoint Rated Verification	
Addition ≥ 700 square feet	50 points on BIG existing homes checklist*	Internal GreenPoint Rated Verification	
Renovations and Remodels			
Permit valuation < \$100,000	Not Applicable		
Permit valuation** ≥ \$100,000	25 points on BIG existing homes checklist*	Internal GreenPoint Rated Verification	
Permit valuation** ≥ \$250,000	50 points on BIG existing homes checklist*	Internal GreenPoint Rated Verification	
Note: All projects must, at minimum, demonstrate compliance with the California Building Energy Efficiency Standards (Title 24, part 6) of the California Building Code.			
*Community points in Build It Green’s checklist are excluded from the sustainability standard and the project is required to meet minimum point requirements within the checklist categories (energy, water, resource, and indoor air quality.)			
** Valuations are subject to change based on the annual Consumer Price Index (CPI) for new construction or other adopted valuation method adopted by the City of Morgan Hill			

- D. New Commercial Construction and Renovation: Commercial development involving new construction shall use the most current version of the LEED® rating system and meet the sustainability standard for applicable projects outlined in Table 2 below. If a project consists of a remodel and an addition, the project shall use the highest minimum standard that would apply to the applicable project. Applicants are encouraged to apply for LEED® certification through the U.S. Green Building Council.

Table 2: Sustainable Commercial Development Standards

Applicable Project Type	Sustainability Standard	Verification
Commercial, New Construction and Additions		
Additions < 1,000 square feet	Not Applicable	
New/Additions Construction ≥ 1,000 square feet	16 LEED® Points	Internal LEED® AP Verification
New/ Additions ≥ 5,000 square feet	LEED® Silver	
Commercial, Renovations/Tenant Improvements		
Permit valuation < \$350,000	Not Applicable	
Small, renovations** ≥ \$350,000 permit valuation	10 LEED® Points	Internal LEED® AP Verification
Medium, renovations** ≥ \$500,000 permit valuation	LEED® Certified	
Large, renovations** ≥ \$1,500,000	LEED® Silver	
Note: All projects must, at minimum, demonstrate compliance with the California Building Energy Efficiency Standards (Title 24, part 6) of the California Building Code.		
** Valuations are subject to change based on the annual Consumer Price Index (CPI) for new construction or other adopted valuation method adopted by the City of Morgan Hill.		

- E. New Mixed Use Construction and Renovation: Mixed use development involving new construction shall use the most current version of the LEED® or Build It Green rating system and meet the sustainability standard for applicable projects outlined in Table 3 below. If a project consists of a remodel and an addition, the project shall use the highest minimum standard that would apply to the applicable project. Applicants are encouraged to apply for LEED certification through the U.S. Green Building Council.

Table 3: Mixed Use Development Thresholds and Standards

Applicable Project Type	Standard	Verification
Mixed Use, New Construction		
New ≤ 10,000 square feet	<p>The project shall comply with residential minimum sustainability standards for the residential portion of the development; and</p> <p>For the commercial portion, the development shall be required to:</p> <ul style="list-style-type: none">○ Exceed California Title 24 energy requirements by 10-15%○ Provide a built-in recycling center per LEED standards in an easily accessible location, such as the kitchen facility○ Use LEED® approved renewable or 10 to 20 percent recycled content carpeting and/or flooring to the extent that it is included within the project’s scope of work.○ Use LEED® approved low VOC adhesives, paints, flooring, and furnishings to the extent that it is included within the project’s scope of work.	Internal GreenPoint rated verification and/or LEED® AP Verification
New ≥ 10,000 square feet	<p>Same standards apply as in Mixed Use New Construction ≤ 10,000. In addition, the development shall provide bicycle storage and a changing room facility that includes shower(s.) The changing room can be in the restroom instead of a separate room.</p>	
Mixed Use, Additions, Tenant Improvements and Remodels	<p>For additions and remodels, only that component of the project triggering compliance with the minimum standards for compliance in Tables 1 or 2 shall apply. If the project is a major renovation of both residential and commercial components, the applicant shall be allowed to use standards for New Mixed Use buildings.</p>	
Note: All projects must, at minimum, demonstrate compliance with the California Building Energy Efficiency Standards (Title 24, part 6) of the California Building Code.		

15.65.40 Submission of Documentation

- A. Design Review Documentation: In conjunction with an application for a Design Review permit, the applicant shall submit a letter of acknowledgement indicating that the applicable project will achieve the sustainability standards defined in this Chapter. The letter shall also indicate how many points the applicable project will achieve in each category and/or level of LEED certification, and shall include the contact information of the potential qualified sustainable building professional that will ensure that the plans meet the sustainability standards outlined in this Chapter. The letter shall also commit to compliance with the California Building Energy Efficiency Standards (Title 24, part 6).
- B. Building Permit Documentation: Upon submittal of an application for a building permit, any applicable project shall include the most current sustainable building project checklist unless another version of the checklist was previously approved by a planning entitlement (excluding sustainable checklists used at the time of Residential Control Development System allotment commitment). The application must also contain all necessary documentation to clearly demonstrate compliance with the California Building Energy Efficiency Standard (Title 24, part 6).

If the project requires plans, the sustainable project checklist shall be incorporated with the building plans on a separate plan sheet and shall indicate in the general notes or individual detail drawings the measures to be used to attain the sustainability standards defined in this Chapter and the California Building Energy Efficiency Standard (Title 24, part 6), reflecting any changes proposed since the planning entitlement phase (if a planning entitlement was required.)

Applicants are encouraged to consult with a qualified sustainable building professional before submitting plans and/or applying for a building permit.

15.65.50 Compliance

- A. Building Inspections, Verification and Occupancy: The Building Division inspection staff or other qualified professionals retained by the City shall verify that the sustainable building measures indicated in the approved permitting documentation are being implemented at the foundation inspection, framing inspection, or other as needed inspections, and prior to final inspection/issuance of a certificate of occupancy.

Throughout each inspection stage, the applicant shall be required to provide evidence of compliance to the Building Division to satisfy the requirements of the Minimum Standards for Compliance in this Chapter. This information shall include, but is not limited to:

1. Any documentation that would be required by the California Building Energy Efficiency Standard (Title 24, part 6) and the LEED or the GreenPoint rated system for certification. The applicant may be required to provide supporting information from qualified professionals (e.g. civil engineer, electrical engineer, Title 24 consultant, commissioning agent, etc.) to certify compliance with each point on the checklist.

Applicants with projects that are registered with the U.S. Green Building Council are encouraged to submit proof of registration and provide online access to the U.S. Green Building Council's website to the Building Division in order to easily monitor the documentation submittals by the applicant;

2. Documentation that verifies incorporation of the design and construction related credits specified in the project approval;
 3. Any additional information that the applicant believes is relevant to determining that a good faith effort has been made to comply with this Chapter.
- B. Substitution of Credits: During the compliance review, flexibility may be exercised by the Sustainable Building Compliance Officer to substitute approved points with other points in the LEED® and GreenPoint rating systems. Substitution shall occur only at the request of the applicant. Any substitution credits shall not result in reduced minimum category point requirements within a sustainable building project checklist or required points established in a development agreement. The Sustainable Building Compliance Officer may at no time approve a project that fails to comply with the California Building Energy Efficiency Standard (Title 24, part 6).
- C. Non-Compliance: If, as a result of any inspection, the Building Division determines that the project does not or is unlikely to comply with the sustainability measures in the approved permitting documentation and/or plans, a stop-work order may be issued if the Sustainable Building Compliance Official determines that continuation of construction activities will jeopardize the project's ability to meet the required sustainability standard. The stop-work order shall remain in effect until the Sustainable Building Compliance Official determines that the project will be brought into compliance with the approved permitting documentation and this Chapter.
- D. Final Determination of Compliance: Prior to the scheduling of a final building inspection for an applicable project, the Building Division shall review all documentation submitted by the applicant and determine that the project has demonstrated compliance with the California Building Energy Efficiency Standard (Title 24, part 6) and whether the applicant has achieved the Minimum Standards for Compliance set forth in this chapter; or demonstrates that measures are in place to assure compliance not later than one year after approval of the final building inspection; or the applicant has made a good faith effort, as defined below, to comply.

If the Building Division determines that the applicant has met the minimum requirements of this Chapter for the project, the final building inspection may proceed, provided the project has received approval of all other inspections required by the Building Official. If the Building Division determines that the required sustainability standard has not been achieved based on the provisions of this Chapter, the Sustainable Building Compliance Official shall find one of the following:

1. Good Faith Effort to Comply: At a minimum, all aspects of the proposed project must comply with the California Building Energy Efficiency Standard (Title 24, part 6). An applicant must submit a written request to the Sustainable Building Official for approval of a Good Faith Effort to Comply. The granting or denial of the Good Faith Effort to Comply shall be provided to the applicant in writing within thirty (30) days of the applicant's written request by the Sustainable Building Compliance Official. If a Good Faith Effort to Comply is granted, the final building inspection may proceed.

Determination of a Good Faith Effort to Comply shall be made separately for each incomplete item on the sustainable building project checklist. Granting of a Good Faith Effort to Comply does not preclude the need for the applicant to comply with the other items on the sustainable building checklist, such as meeting minimum category point requirements within the checklist. However, the Sustainable Building Compliance Official shall, at minimum, verify that the project as a whole will still demonstrate compliance with the California Building Energy Efficiency Standard (Title 24, part 6) assuming all incomplete items are never completed.

The Sustainable Building Compliance Official shall determine that the applicant has made a good faith effort to comply with this Chapter when finding that at least ninety percent (90%) of the required sustainability credits have been achieved and either:

- i. Measures are in place to assure full compliance not later than one year after approval of the final building inspection; or
- ii. The incomplete measures involve sustainable building materials and technologies that are no longer available or not yet commercially available, and the applicant will comply by incorporating other measures not later than one year after approval of the final building inspection; or
- iii. The cost for the incomplete sustainable building measure or documentation is disproportionate to the overall cost of the project, and the applicant will comply by incorporating other measures on the checklist not later than one year after approval of the final building inspection. That is, the cost for the

sustainability measure or documentation exceeds three (3) percent of the total cost of construction. The Building Division shall verify the construction costs. The applicant shall be responsible for providing documentation, such as, but not limited to, invoices and estimates from at least three (3) separate sources, to support their positions.

The applicant shall submit evidence that the sustainability measure(s) will be in compliance not later than one year after approval of the final building inspection and may be required to submit a deposit/bond to the Building Division. The Sustainable Building Compliance Official will determine the amount of deposit/bond required based on the cost of the sustainability measure(s.)

The applicant shall be responsible for submitting documentation or contacting the Building Division for an inspection when the sustainable building measure(s) is in place within one year of the date of final inspection approval. If the applicant complies within the one year timeframe, the deposit/bond shall be released in full to the applicant. If the applicant fails to complete measures within the allotted timeframe, the deposit shall be used to enhance the City's sustainable building program.

2. Non-Compliant Project: If the Sustainable Building Compliance Official determines that the applicant has not made a good faith effort to comply with this chapter or if the applicant fails to submit the necessary documentation within the required time period for associated inspections and plan reviews, or if the Sustainable Building Compliance Official determines that the project will not comply with the California Building Energy Efficiency Standard (Title 24, part 6), then the project shall be deemed non-compliant. The final inspection and approval for the project shall be withheld. A final inspection shall not take place until the applicant has implemented equivalent alternate measures approved by the Sustainable Building Compliance Official; or the applicant has been granted an exception under the provisions of this Chapter.
- E. The Sustainable Building Compliance Official shall have the responsibility to administer and monitor compliance with the sustainable building requirements set forth in this chapter and to grant Good Faith Efforts to Comply, Exceptions and Exemptions from the requirements, where so authorized.
 - F. Compliance with the provisions of this chapter shall be listed as a condition of approval on any Design Review Permit or other discretionary permit approval, and on the building plans for building permit approval for any applicable project.

15.65.55 Exceptions

If an applicant believes circumstances exist that make it a hardship and/or not feasible to complete up to ten (10) percent of the required points defined in the Minimum Standards for Compliance Section of this Chapter and the applicant can demonstrate to the Sustainable Building Compliance Official that the project will comply with the California Building Energy Efficiency Standard (Title 24, part 6) without these points, then the Sustainable Building Compliance Official may authorize a maximum of ten (10) percent of the required points to be waived based on one of the following findings:

1. There is a lack of commercially available sustainable building materials and technologies to comply with the project's scope of work; or
2. The project's scope of work does not allow for enough sustainable checklist points without interfering with other areas outside the project's scope of work.
3. The cost to utilize sustainable building practices, technologies and/or provide documentation exceeds three (3) percent of the project's construction cost. The project's construction costs shall be verified by Building Division staff. The applicant may be required to provide evidence to the Building Division, such as but not limited to, invoices and estimates from three (3) different sources for each sustainable building measure(s) that the applicant believes is contributing to over 3% of the construction cost. The applicant is still required to obtain points that would equate up to 3% of the total construction costs.

The applicant must apply in writing to the Sustainable Building Compliance Official for an exception and shall indicate the circumstances that create a hardship or make it infeasible to fully comply with this Chapter. Determination of exception shall be made separately for each item on the sustainable building project checklist that the exemption applies to. Granting of an exception to comply for one or more items does not preclude the need for the applicant to meet required and minimum category point requirements within the checklist. As necessary, projects that are subject to development agreements shall apply for a development agreement amendment to modify the project's sustainability commitments. At no time shall an exception be granted which may cause a proposed or permitted project to fail to comply with the California Building Energy Efficiency Standard (Title 24, part 6).

The decision of the Sustainable Building Compliance Official shall be provided to the applicant in writing within thirty (30) days of applicant's written request. If an exception is granted, the applicant shall be required to comply with this chapter in all other respects.

If the Sustainable Building Compliance Official determines that it is reasonably possible for the applicant to fully meet the requirements of this chapter or that granting a specific exception might result in a failure to comply with the California Building Energy Efficiency Standard (Title 24, part 6), the request shall be denied and the Sustainable Building Compliance Official shall notify the applicant in writing within thirty (30) days of the applicant's written request. The

project and compliance documentation shall be modified to comply with this chapter prior to further review of any pending planning or building application.

15.65.60 Hardship or Infeasibility Exemption

At the time of applying for a building permit, if an applicant believes that circumstances exist that make it a hardship or infeasible to meet the requirements of this Chapter, the applicant may request in writing to the Sustainable Building Compliance Official an exemption of one or more items on the sustainable building project checklist. The applicant shall indicate the maximum threshold of compliance that is feasible for the project; and circumstances that create a hardship or make it infeasible to fully comply with this Chapter. As necessary, projects that are subject to a development agreement shall apply for an amendment to modify the project's sustainability standards. The Sustainable Building Official shall have the authority to grant or deny an exemption based on one of the following, however, at no time shall an exemption be granted which may cause a proposed or permitted project to fail to comply with the California Building Energy Efficiency Standard (Title 24, part 6):

1. There are not enough sustainable building measures available within the sustainable building project checklist that are compatible with the project's scope of work; or
2. There is a lack of commercially available sustainable building materials and technologies to comply within the project's scope of work; or
3. The project is or within a non-conditioned building. Non-conditioned spaces that are attached to conditioned spaces are not eligible to apply under this finding; or

The decision of the Sustainable Building Compliance Official shall be provided to the applicant in writing within thirty (30) days of applicant's written request.

Granting of Exemption: If the Sustainable Building Compliance Official determines that it is a hardship or is infeasible for the applicant to fully meet the requirements of this chapter based on the information provided, the Sustainable Building Compliance Official shall determine the maximum feasible threshold of compliance reasonably achievable for the project which complies with the California Building Energy Efficiency Standard (Title 24, part 6). If an exemption is granted, the applicant shall be required to comply with this chapter in all other respects and shall be required to achieve the threshold of compliance determined to be achievable by the Sustainable Building Compliance Official.

Denial of Exemption: If the Sustainable Building Compliance Official determines that it is reasonably possible for the applicant to fully meet the requirements of this chapter or that granting the requested exemption would potentially cause the project to fail to comply with the California Building Energy Efficiency Standard (Title 24, part 6), the request shall be

denied. The project and compliance documentation shall be modified to comply with this chapter prior to further review of any pending planning or building application.

15.65.70 Appeal

- A. Any aggrieved applicant or person may appeal the determination of the Sustainable Building Compliance Official regarding: (1) the granting or denial of an exemption pursuant to the Hardship and Infeasibility section of this Chapter; or (2) the granting or denial of a Good Faith Effort to Comply pursuant to this Chapter; or (3) the granting or denial of Exceptions pursuant to this Chapter to the Community Development Director.

Any appeal must be filed in writing with the Community Development Department not later than fourteen (14) days after the date of the determination by the Sustainable Building Compliance Official. The appeal shall state the alleged error or reason for the appeal.

The appeal shall be processed and considered by the Community Development Director in accordance with Appendix B of the 2007 California Building Code.

The applicant may NOT appeal any provision required by the 2008 California Building Energy Efficiency Standards (Title 24, part 6) of the California Building Code.

SECTION 3. Reporting. Not later than one year after the effective date of the ordinance, a report shall be prepared for presentation to the Planning Commission and City Council regarding the results of implementation of the ordinance. The report shall include, but is not limited to, documentation of the number and types of projects subject to the ordinance, explanation of whether and how compliance was achieved, identification of any problems arising from implementation, the costs of enforcement, and any recommendations for revisions to the ordinance.

SECTION 4. Severability. If any section of this ordinance, or part hereof, is held by a court of competent jurisdiction in a final judicial action to be void, voidable or unenforceable, such section, or part hereof, shall be deemed severable from the remaining sections of this ordinance and shall in no way affect the validity of the remaining sections hereof.

SECTION 5. CEQA Finding. The Council hereby finds this ordinance is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15308 of the CEQA Guidelines because it is an action taken by a regulatory agency for the protection of the environment.

SECTION 6. Effective Date; Publication. This ordinance shall take effect thirty (30) days after the date of its adoption or after approval to enforce the ordinance is received from the California Energy Commission and the Ordinance is filed with the California Building Standards Commission, whichever is later. The City Clerk is hereby directed to publish this ordinance in summary pursuant to §36933 of the Government Code.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Morgan Hill held on the 2nd day of December 2009, and was finally adopted at a regular meeting of said Council on the 16th day of December 2009, and said ordinance was duly passed and adopted in accordance with law by the following vote:

SECTION 7: Publication. The City Clerk shall certify the adoption of this Ordinance and shall cause a copy of the same to be published pursuant to §36933 of the Government Code.

PASSED AND ADOPTED by the City Council of Morgan Hill at the regular meeting held on the 16th day of December 2009, by the following vote:

AYES:	COUNCIL MEMBERS:	Carr, Lee, Librers, Tate
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	Sellers

ATTEST:

Irma Torrez, City Clerk

Steve Tate, Mayor

Effective: January 15, 2010

∞ **CERTIFICATE OF THE CITY CLERK** ∞

I, Irma Torrez, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Ordinance No.1966, New Series, adopted by the City Council of the City of Morgan Hill, California at the meeting held on this 16th day of December 2009.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

Irma Torrez, City Clerk